

REMARKS

This application has been reviewed in light of the Office Action dated May 26, 2004. Claims 1-16, 18-20, 22-33, and 35-45 are presented for examination. Claims 21 and 34 have been canceled, without prejudice or disclaimer of subject matter. Claims 18, 19, 26, 28-32, 39 and 41-45 have been amended to define still more clearly what Applicants regard as their invention. Claims 1, 14, 18 and 31 are in independent form. Favorable reconsideration is requested. The canceled claims will not be further addressed herein.

Applicants note with appreciation the allowance of Claims 1-16 and the indication that Claims 20, 23, 26-28, 33, 36, 39-41, 44 and 45, and Claims 29, 30, 42 and 43 (insofar as dependent from any of Claims 20, 23, 26-28, 33, 36 and 39-41) would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. The latter claims have not been so rewritten because, for the reasons given below, their respective base claims are believed to be allowable.

Claims 18, 19, 21, 22, 24, 25, 31, 32, 34, 35, 37 and 38, and Claims 29, 30, 42 and 43 (insofar as dependent from any of Claims 18, 19, 21, 22, 24, 25, 31, 32, 34, 35, 37 and 38), were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 4,355,859 (*Herloski et al.*) in view of Japanese Patent 11-64759 A (*Toyoda*).

As shown above, Applicants have amended independent Claims 18 and 31 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 18 is an optical scanning apparatus that includes a laser unit having a laser source and an optical element configured to emit a substantially parallel beam of light, and an incident optical system that is arranged to direct the light beam emerging from the laser unit to strike an optical deflector, while maintaining a width of the light beam wider than a width of a deflecting surface of the optical deflector in a main scanning direction. Also provided is an imaging optical system for forming the light beam deflected by the optical deflector into an image on a scanned surface. The laser unit is adapted to be moved in the main scanning direction without moving in a direction of an optical axis of the incident optical system.

Among other important features recited in Claim 18 is that the laser unit is adapted to be moved in the main scanning direction without moving in a direction of an optical axis of the incident optical system.

Herloski et al. relates to an apparatus and method permitting replacement and realignment of a scanner laser in the field. The Office Action interprets the arrow in Fig. 3 of *Herloski et al.* as meaning that a shift is performed. Applicants, among other things, have replaced the word “shift” with the word “moved”, to more clearly distinguish the claimed invention of Claim 18. Applicants understand the arrow in Figure 3 of *Herloski et al.* as denotes a tilting motion. *Herloski et al.* describes that it is intended to “permit rotations of laser assembly 15” (col. 5, lines 15-19). Since what is intended are thus rotations and not translations of the assembly, the application of *Herloski* in the Office Action is believed to be erroneous.

Herloski et al. discloses that the laser unit is moved in a direction of an optical axis of the incident optical system. However, nothing has been found in *Herloski et al.* that would teach or suggest the laser unit is adapted to be moved in the main scanning direction without moving in a direction of an optical axis of the incident optical system, as recited in Claim 18.

For at least the above reasons, Applicants believe that Claim 18 is patentable over *Herloski*, taken alone.

Further, even if *Toyoda* is deemed to show all that it is cited for, that would not supply what is missing from *Herloski et al.* as a reference against Claim 18 (even assuming for argument's sake that the proposed combination of these references would be a proper one).

Independent Claim 31 is a method claim corresponding to apparatus Claim 18, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 18.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.


This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest

effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants
Ronald A. Clayton
Registration No.: 26,718

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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